

Appl 10/751,358  
Amdt dated July 30, 2004  
Reply to Office Action of June 29, 2004

## REMARKS

The undersigned wishes to thank Examiner Griles for the courtesy of a telephone interview during which time the distinctive features of the invention as more clearly embodied in new claims 8 to 12 were discussed, along with the references of record as applied and unapplied. Tentative agreement was reached subject to further searching.

## THE REJECTIONS

Claims 1 to 7 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Le Febvre versus Bovino. Based upon the new claims now in the case, in combination with the remarks herebelow, it is submitted that these rejections are thereby overcome.

## THE INVENTION DISTINGUISHED

The invention is directed to a preferably buoyant hand held fishing gaff for manually engaging and lifting fish from water. An elongated handle is provided having a gripping portion which preferably arcuately extends away from the longitudinal axis of the straight portion of the handle. The proximal end of the handle supports a fish-engaging member in the form of an arcuately or U-shaped hook having a straight shank portion supported within the handle. The shank portion is operably engaged within the handle so as to be lockably movable into different selected positions of axial rotational alignment with the handle and to be secured in that position by a spring biased arrangement within the proximal portion of the handle.

Three important additional aspects of the invention are now emphasized in the claims. Firstly, the fishing gaff is generally made buoyant with the addition of one or more of the following features. The entire handle is preferably hollow and watertight so as to trap air therewithin when the fishing gaff is in water. To insure flotation, the hollow handle may also be packed full of STYRAFOAM. Finally, a closed cell foam covering is provided

over the gripping portion of the handle to enhance gripability and also to add flotation for enhanced buoyancy.

A second aspect of the invention emphasized is that the gripping portion of the handle is arcuately curved away from the longitudinal axis thereof to enhance gripability and, in combination with a preferred oval uniform cross section over the entire length of the handle, including the gripping portion, virtual instant orientation recognition without eye contact, but only by hand feel, is provided so that the user may orient the gaff quickly for fish engagement. Finally, a uniquely configured tip guard is provided formed as a unit which engages onto the shank of the fishing hook and protectively covers the distal pointed tip thereof.


Each of these important aspects of the invention was addressed in the office action and following remarks responsive thereto are submitted to traverse these characterizations of prior art. The Le Febvre reference is characterized as having a hollow portion and also having a substantial groove running along its length from which the Examiner asserts that these features enable the structure to be buoyant in water. However, during the telephone interview, the undersigned pointed out that, in fact, the handle (5) of Le Febvre is formed of solid material and the groove referred to is open, serving only to receive the shank of the hook when it is folded backwards onto the handle for storage.

Although Le Febvre does have a pocket in the butt of the handle for receiving the distal tip of the fishing hook when in the folded position, the resilient fishhook protector of the present invention as more distinctively claimed, is of substantially different structure and function.

Moreover, in the office action, Le Febvre has also been characterized as having a uniform oval section as shown in Figure 4 of Le Febvre. However, as also pointed out during the telephone interview, this cross section is shown through a tightening knob (19) and clearly reflects that the cross section of the handle itself is merely semi-circular in nature and not oval in any form.

Based upon the foregoing, it is submitted that these claims now in the case are allowable and same is respectfully requested. However, if this expectation is not met, Examiner Griles is requested, and has agreed, to contact the undersigned directly by telephone in an attempt to resolve any remaining issues before issuing any further office action.

Respectfully submitted,

  
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CERTIFICATE OF MAILING

I HEREBY CERTIFY that the foregoing is being facsimile transmitted to the Honorable Commissioner for Patents, (703) 872-9306, this July 30, 2004.

  
Charles J. Prescott